

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/365,243 07/30/99 SLATTERY

T 7442.0010

QM12/0117

 EXAMINER

ROBERT F ROTELLA
FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER
1300 I STREET N W
WASHINGTON DC 20005-3315

HARRIS, C.

 ART UNIT PAPER NUMBER3713 *S***DATE MAILED:**

01/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/365,243	SLATTERY ET AL.
	Examiner Chanda L. Harris	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 38,50 and 62 is/are allowed.
- 6) Claim(s) 1-37,39-49,51-61 and 63 is/are rejected.
- 7) Claim(s) 38,50 and 62 is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	20) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. Claims 38, 50, 62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 1-4, 7-10, 13-16, 19-21 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Hitchcock et al. (U.S. Patent No. 5,823,781). The rejections from the previous office action are maintained and are incorporated herein by reference.

3. Claims 27-28, 30-37, 40-41, 43-49, 52-53, 55-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Hitchcock et al. (U.S. Patent No. 5,823,781).

4. Hitchcock discloses Claims 27, 30-37, 40, 43-49, 52, 55-61: See rejection item 6 of the previous office action.

5. Claims 28, 41, 53 would be an inherent feature of Hitchcock's invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5-6, 11, 17-18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock. The rejections from the previous office action are maintained and are incorporated herein by reference.**

8. **Claim 23-24, 26, 29, 39, 42, 51, 54, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock.**

9. Hitchcock does not disclose expressly a means for transferring reset information to the device after completion of the training exercise so that the device may be placed in an initial state [Claims 23, 24, 26, 39, 51, 63]. However, such technology is old and well known in the art and would have been obvious to one of ordinary skill in the art at the time of the invention to implement. Modern computer devices, whether hardware or software, are designed to be restored (manually or automatically) to their initial state after their use. Whether the exercise is a training exercise or not is insignificant in assessing the patentability of the limitation stated in the aforementioned claims.

10. Hitchcock discloses Claims 29, 42, 54. See rejection item 10 of the previous office action.

Allowable Subject Matter

11. Claims 38, 50, 62 are allowed.
12. The following is a statement of reasons for the indication of allowable subject matter:
 - Patentability is seen in the process of reassigning a device in the set of one or more devices to a second set of one or more devices [Claims 38, 50, 62].

The closest prior art of record does not teach or fairly suggest this feature in the combination.

Response to Arguments

13. Applicant's arguments filed on 11/6/00 have been fully considered but they are not persuasive. In response to Applicant's arguments that Hitchcock does not teach or suggest a user remotely accessing a device for the purpose of training on that device, Examiner affirms that Hitchcock does teach and fairly suggests such. Please review Col.3: 53-4:2.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Ch.
ch.
January 8, 2001

Chanda L. Harris
Examiner
Art Unit 3713

V. Martin Wallace
VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE
OATH OR DECLARATION**, notwithstanding any indication to the
contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the
portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to
EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in
ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a)~~

Similar language appearing in any attachments to the Notice of Allowability,
such as in an Examiner's Amendment/Comment or in a Notice of
Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to
Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8,
2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).